

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Kiowa Tribe, and Comanche Nation,

Plaintiffs,

v.

The United States Department of the  
Interior, et al.

Defendants.

**CASE NUMBER: 5:22-CV-00425**

**PLAINTIFFS' STATUS REPORT REGARDING BRIEFING SCHEDULE FOR  
PRELIMINARY INJUNCTION MOTION**

The Court's June 3, 2022 Order, ECF 32, states that "Plaintiffs' request for entry of a preliminary injunction shall be scheduled by separate order. The parties are directed to submit a proposed schedule for consideration of that request no later than Wednesday, June 8, 2022." The parties met and conferred on June 7, 2022, and were unable to agree to a proposed schedule. Accordingly, unless the Court orders otherwise, Plaintiffs anticipate that the briefing schedule on Plaintiffs' forthcoming Motion for Preliminary Injunction will be done pursuant to the timelines set forth in Local Civil Rule 7.1 (LCvR7.1).

Under Rule 15(a)(1)(A), Plaintiffs may amend their Complaint without leave of court on or before June 17, 2022. Plaintiffs intend to do so and to file a Motion for Preliminary Injunction and supporting papers contemporaneously with that Amended Complaint, or shortly thereafter. Plaintiffs believe an expedited briefing schedule is

warranted due to the exigency of the irreparable harm that the Warm Springs Casino will cause Plaintiffs. However, Defendants<sup>1</sup> do not agree to an expedited briefing schedule.

Dated: June 8, 2022

Respectfully submitted,

/s/ Forrest Tahdooahnippah  
Forrest Tahdooahnippah (OBA 34872)  
forrest@dorsey.com  
Amy Weisgram (pro hac vice)  
weisgram.amy@dorsey.com  
Dorsey & Whitney LLP  
50 South Sixth Street, Suite 1500  
Minneapolis, MN 55402  
(612) 340-2600 (telephone)  
(612) 340-2868 (facsimile)

*Attorneys for Plaintiff Comanche Nation*

Ryland Rivas (OBA 7608)  
ryland@rivaslawoffice.com  
Rivas Law  
628 W. Choctaw Ave  
Chickasha, OK 73018  
(405) 222-3500 (telephone)

*Attorneys for Plaintiff Kiowa Tribe*

---

<sup>1</sup> Plaintiffs anticipate that the Motion for Preliminary Injunction will seek to enjoin only those Defendants that are officials of the Fort Sill Apache Tribe (the “FSA Defendants”). Accordingly, none of the Federal Defendants (U.S. Department of Interior, Bryan Newland, or Daryl LaCounte) has any standing to oppose the Motion or opine on the briefing schedule for the Motion for Preliminary Injunction. *Cf. Hertenstein v. Kimberly Home Health Care, Inc.*, 189 F.R.D. 620, 635 (D. Kan. 1999) (holding that only the party or person to whom a subpoena is directed has standing to object with limited exception for privilege); *In re NASDAQ Makers-Antitrust Litig.*, 176 F.R.D. 99,103-104 (S.D.N.Y. 1997) (ruling that non-settling defendant lacked standing to object to a settlement).